

- I. Claims 1-64, drawn to a method of producing nanostructures; and
- II. Claims 65-70, drawn to a non-specific article of manufacture.

It is further alleged that the two inventions are related as a process of making and product made. It is further alleged that the product claimed in invention II can be made through a different process.

However, as clearly set forth in MPEP §803, two distinct requirements must be satisfied in order to properly maintain a restriction requirement. Namely, it must be shown that the inventions are either independent or distinct, and even if this can be shown, it must further be established that examination of the two separate inventions together in a single application poses a "serious burden" to the Patent Office. It is respectfully submitted that at least the second of these criteria have not been satisfied. In this regard, it would appear that the nature and relationship between the subject matter set forth in claims 1-64 and 65-70 are such that a complete and thorough examination on the merits of both inventions together (i.e. - five more claims than Group I alone) in a single application would not pose a "serious burden" to the Patent Office. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

From the foregoing, further and favorable action on the merits is respectfully requested. Should any further issues arise with regard to prosecution of the instant application, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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